

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

)
EUGENE MILLER, JR., Individually and on)
behalf of all others similarly situated,)
Plaintiff,) No. 1:08-cv-2300
v.)
LENDING TREE, LLC, a North Carolina) Honorable Judge James B. Zagel
Limited Liability Corporation,)
Defendant.)

**DEFENDANT'S MOTION TO DISMISS UNDER
FEDERAL RULES OF CIVIL PROCEDURE 12(B)(6) AND 12(B)(3)**

Defendant LendingTree, LLC, by its undersigned attorneys, and pursuant to Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6), respectfully requests that the Court dismiss the Complaint brought by Plaintiff Eugene Miller, Jr. In support of its Motion, Defendant has filed the accompanying Memorandum in Support.

WHEREFORE, for the reasons presented in the accompanying Memorandum in Support, Defendant LendingTree, LLC, respectfully request that the Court dismiss Plaintiff's Complaint, and grant such further and additional relief as this Court deems just and proper.

Dated: June 23, 2008

Respectfully submitted,

**LENDING TREE, LLC,
Defendant**

By: /s/ David Z. Smith
One of Its Attorneys

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